



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

North Carolina - Convention - Journal - 1823.

U5  
19022  
6.5



US 19022. 615


Harvard College  
Library



By Exchange



**THE JOURNAL**  
**OF**  
**A CONVENTION**  
**ASSEMBLED AT**  
**THE CITY OF RALEIGH,**  
**ON THE**  
**16TH OF NOVEMBER, 1823 ;**  
*To adopt such measures as were deemed necessary to procure*  
**AN AMENDMENT**  
**TO THE**  
**CONSTITUTION OF NORTH-CAROLINA.**



**RALEIGH :**  
**J. GALES & SON, STATE PRINTERS.**  
**1823.**

US19022.6.5

✓



Trinity College Library  
by exchange

*Sept. 1923  
Chambers, Bechar  
Dover*

## **JOURNAL.**

**At a Conventional Meeting begun and held in the City of Raleigh, on Monday the 10th day of November, in the year of our Lord one thousand eight hundred and twenty-three, and in the forty-eighth year of the Independence of the United States of America,**

**It appeared that the following persons were duly elected to represent those Counties which had elected Delegates to this Convention, to-wit:**

For Anson County,	Francis A. Cash, Henry W. Harrington.
Buncombe,	Phillip Brittain, Samuel Chunn.
Burke,	Isaac T. Avery, William Dickson.
Cabarrus,	John F. Phifer.
Caswell,	Remulus M. Sanders, Bartlet Yancy.
Chatham,	Winship Stedman, Richard Freeman.
Cumberland,	John Armstrong, John A. Cameron.
Davidson,	William Manlove, James R. Dodge.
Guilford,	David Worth, Samuel F. Hunter.
Haywood,	Thomas Love.
Iredell,	George Lee Davidson, Robert Simonton.
Lincoln,	Robert Williamson, Robert H. Burton, John F. Brevard.
Mecklenburg,	Michael McLeary, Thomas G. Polk.
Montgomery,	Thomas Hearne.
Moore,	Benjamin Person.
Orange,	Willie P. Mangum, Michael Holt, Thomas Ruffin, James S. Smith.
Randolph,	Alexander Gray, John B. Troy.
Richmond,	Walter F. Leak.
Rowan,	Charles Fisher, John Beard, John H. Freeling.
Rockingham,	John Bethell, Thomas Settle.
Rutherford,	Joseph M. Carson, James Graham.
Stokes,	Matthew R. Moore, Willis Pilkinton.
Surry,	Solomon Graves, Elijah Thompson.
Wilkes,	Montfort Stokes, John Martin.

Of the whole number of Delegates, the following appeared and took their seats on this day, to-wit :

Montfort Stokes,	Charles Fisher,	W. P. Mangum,
Isaac T. Avery,	James Graham,	John Martin,
John Bethell,	Alexander Gray,	Willis Pilkinton,
John F. Brevard,	Sol. Graves,	Thomas G. Polk,
Philip Brittain,	H. W. Harrington,	Thomas Settle,
Rob't H. Burton,	Thomas Hearne,	Robert Simonton,
Jos. M. Carson,	Michael Holt,	R. M. Sanders,
G. L. Davidson,	Thomas Love,	Winship Stedman,
James R. Dodge,	Walter F. Leak,	John B. Troy, and
Wm. Dickson,	Michael M'Leary,	Rob't Williamson.
Rich'd Freeman,		

On motion of Mr. Polk,

General Montfort Stokes, a Delegate from the county of Wilkes, was unanimously chosen President ; and Mr. John F. Brevard, a Delegate from Lincoln, Secretary.

On motion of Mr. Graves,

RESOLVED, That a committee of three be appointed by the President to draw up Rules and Regulations for the government of this Convention.

Whereupon, Messrs. Sanders, of Caswell, Williamson, of Lincoln, and Fisher, of Rowan, were appointed a committee for that purpose.

On motion of Mr. Fisher,

RESOLVED, That a committee of five be appointed by the President to make out a comparative view of the free population of the several counties in the State, distinguishing the total amount contained in those counties which have elected Delegates to this Convention, as also that contained in those which have not elected Delegates.

On motion of Mr. Sanders,

The Resolution was so amended as to include in the calculation the amount of taxes paid into the Public Treasury by the several counties in the State.

Messrs Davidson, of Iredell, Carson, of Rutherford, Polk, of Mecklenburg, Settle, of Rockingham, and Harrington, of Anson, were appointed the committee.

On motion of Mr. Polk,

RESOLVED, That a committee of three be appointed by the President, to propose such measures as may appear expedient to raise funds for defraying the expenditures of this Convention.

Messrs. Dickson, of Burke, Love, of Haywood, and Burton, of Lincoln, were appointed a committee for that purpose.



**On motion of Mr. Carson,**

The above committee was instructed to employ a Clerk, who shall keep a regular Journal of this Convention.

**On motion of Mr. Settle,**

**RESOLVED**, That a committee of three be appointed by the President, to be a committee of Elections, and report to this Convention on the election of the members thereof.

Messrs. Brittain of Buncombe, Graves of Surry, and M'Leary of Mecklenburg, were appointed a committee for that purpose.

The Convention adjourned till 10 o'clock to-morrow.

**TUESDAY, NOVEMBER 11, 1823.**

The Convention met.

John Armstrong, a Delegate from the county of Cumberland, Bartlett Yancy, a Delegate from the county of Caswell, Samuel Chunn, a Delegate from the county of Buncombe, Willie P. Mangum and James S. Smith, Delegates from the county of Orange, John F. Phifer, a Delegate from the county of Cabarrus, and Samuel F. Hunter, a Delegate from the county of Guilford, appeared and took their seats.

Mr. Sanders, from the committee appointed to draw up Rules and Regulations for the government of this Convention, reported the following, to-wit:

*Rules of Order for the Government of the Convention.*

1. When the President takes the Chair, each member shall take his seat, whereupon the Journals of the preceding day shall be read.
2. When any member is about to speak, he shall rise from his seat and respectfully address himself to the President; and when two or more members happen to rise at the same time, the President shall name the one who is first to speak. No member shall speak oftener than twice on the same question without leave.
3. When a motion is made and seconded, no other motion shall be received unless it be to amend, to commit, to lie on the table, or to adjourn.
4. All questions may be stated by the President, sitting, but shall be put standing. In putting questions, he shall require those in the affirmative to say "AYE," and those in the negative to say "NO," and shall announce the result. In the event of an equal number of votes on each side, the President shall decide the question; in no

other case shall he vote, unless his vote, if given to the minority, will make the division equal, and in that case the question shall be lost.

5. All committees shall be appointed by the Chair, unless otherwise directed.

6. The ayes and nays may be required by one-fifth of the members present ; and when ordered, shall be entered on the Journal.

The foregoing Report was read, and the Rules of Order adopted for the government of the Convention.

The committee appointed to employ a Clerk, reported that Mr. Brevard, of Lincoln, had consented to act as Secretary ; that Mr. Lumsden had been employed to assist him as Clerk ; which report was concurred in.

On motion of Mr. Mangum,

The committee appointed to report a comparative view of the population and taxation of the several counties, was instructed to report the Federal numbers of the State, and of the several counties in the State ; and to report also the amount of taxes paid by the several counties of this State for the last three years, distinguishing the amount paid upon each object of taxation, and the amount of each year.

Mr. Yancy offered the following Resolutions :

RESOLVED, That a committee of seven be appointed to prepare and report such amendments to the Constitution of this State as may be deemed necessary.

RESOLVED, That the said committee be instructed to insert the several amendments by them proposed in the Constitution, and report the same as amended.

Mr. Brevard moved to amend the Resolutions by striking out the word "seven" in the first Resolution, and inserting in lieu thereof "one Delegate from each county represented in this Convention."

The question being put on this amendment, it was negatived—Whereupon the question was put on Mr. Yancy's Resolutions, and they were adopted.

The Convention adjourned till ten o'clock to-morrow.

---

WEDNESDAY, NOV. 12, 1823.

The Convention met.

David Worth, a Delegate from the county of Guilford, and Elijah Thompson, a Delegate from the county of Surry, appeared and took their seats.

The President appointed the following committee on Mr. Yancy's Resolutions, proposing alterations to the Constitution, to-wit :

Messrs Yancey, of Caswell, Mangum of Orange, Fisher, of Rowan, Burton, of Lincoln, Graham, of Rutherford, Leak, of Richmond, and Love, of Haywood.

Mr. Davidson, from the committee on that subject, made the following Report :

The committee to whom was referred the Resolution requiring a comparative view of the free population and of the Federal numbers of the several counties in this State, distinguishing the total amount contained in the counties represented in this Convention, from those not represented, as also the amount of taxes paid by the several counties in this State, for the last three years, distinguishing the amount paid on each object of taxation, and the amount of each year respectively, have had the same under consideration, and have the honor to Report, that as regards that part of the Resolution which relates to population, your committee have ascertained, the free population of all the counties in this State, amounts to

433,912

That the free population of those counties which have elected Delegates to this Convention, amounts to

233,933

That the free population of the counties not represented in this Convention amounts to

199,979

Difference of free population contained in the counties represented over those not represented, is

33,934

The federal population of all the counties in this State amounts to

556,695

That of the counties represented in this Convention amounts to

272,432

The federal population of the counties not represented in this Convention is

284,263

Making a difference of federal numbers in the counties not represented above those represented,

11,832

Your committee, in making this statement, have excluded from the counties represented in this Convention, the two western counties of Ashe and Person, which, if retained in the calculation, and added to the numbers of the counties represented, would make a difference of 11,756 in favor of the counties represented.

As respects that part of the Resolution, requiring the amount of taxes paid by the several counties of this State, for the last three years, distinguishing the amount paid upon each object of taxation, your committee have considered that it would facilitate their enquiries on this part of the Resolution, to give the comparative amount of the taxes paid by the counties represented and those not represented, distinguishing the objects of taxation.

The amount of taxes paid by the non-represented counties is—upon lands, town property, polls and stores, for the year 1820, \$33,798 87

The amount paid on the like objects in the counties represented is \$23,908 66

Making a difference in the amount paid by the counties not represented over those represented, of \$9,886 21

Your committee, in making calculations upon the amount of taxes derivable from the foregoing objects for the years 1821 and 1822, and the difference to be inconsiderable, and believe that in the foregoing statement they have met the object of the resolution. But for a more particular and detailed account of all the objects of taxation, and their respective amounts, beg leave to refer to the accompanying reports of the Comptroller, made for the before mentioned years.

Which Report being read, was referred to the committee on the proposed amendments to the Constitution.

On motion of Mr. Sanders,

RESOLVED, That a committee of seven be appointed to enquire into the most advisable plan for submitting the amendments to the Constitution agreed upon by this Convention, to the people, for their ratification.

The President appointed the following gentlemen on said committee, to wit: Messrs. Sanders, of Caswell, Smith, of Orange, Gray, of Randolph, Avery, of Burke, Williamson, of Lincoln, Brittain, of Buncombe, and Hearne of Montgomery.

The Convention adjourned till 10 o'clock to-morrow.

#### THURSDAY, NOVEMBER 13, 1823.

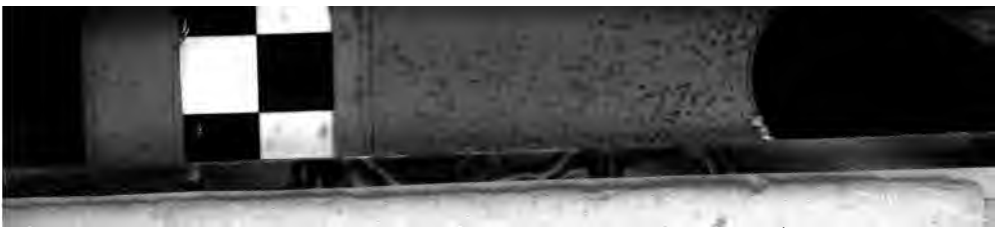
The Convention met.

John A. Cameron, a Delegate from the county of Cumberland, appeared and took his seat.

Mr. Yancy, from the committee to whom was referred the subject of the proposed amendments to the Constitution, made a report, which was read, and, on motion of Mr. Mangum, the several amendments proposed were ordered to be printed, one copy for each member of this Convention.\*

The Convention adjourned till 10 o'clock to-morrow.

\* For these amendments, see the Constitution as proposed to be amended.



FRIDAY, NOVEMBER 14, 1823.

The Convention met.

Mr. Sanders, from the committee to whom was referred the subject of proposing a plan for submitting to the people the proposed amendments to the Constitution, made the following report :

The committee appointed for the purpose of enquiring into the most advisable plan for submitting the amendments proposed to be engrafted into the Constitution, to the people of this State,

**REPORT,**

That they have attentively considered the subject referred to their consideration, in which they have discovered no plan for effecting the object of the Convention that would be entirely free from difficulty. The committee, however, have thought it best, and as most likely to meet the public approbation, to submit the amendments proposed to be made to the Constitution, directly to the people, and to recommend the election of Delegates for its ratification and adoption. The people will then be enabled to consider and pass upon its provisions, and from electing, in conformity with the Constitution as amended, they will discover its practicable operations, so far as respects the most numerous branch of the Legislature.

For this purpose they report the following resolutions :

1. **RESOLVED**, That it be recommended to the people of the several counties in the State, at their next annual election, to elect Delegates to meet in Convention in the City of Raleigh, on the second Monday of November next, for the purpose of ratifying and adopting the amendments which have been proposed to the Constitution of this State.

2. **RESOLVED**, That it be recommended to the people, that the said Delegates, when assembled in Convention, shall be limited to the amendments now proposed ; but they shall be authorised to adopt such further provisions as to them may seem necessary, for carrying into effect the said Constitution as amended.

3. **RESOLVED**, That it be recommended to the several County Courts in the State, to appoint fit and proper persons to be Judges of elections of Delegates, and that such persons as are qualified (under the Constitution as proposed to be amended) to vote for the most numerous branch of the Legislature, be qualified to vote for such Delegates, and that the election of Delegates be certified by the returning officer of the county.

4. **RESOLVED**, That each county in the State shall be entitled to elect the same number of Delegates to the Convention as they would be entitled to Members in the House of Representatives, under the proposed Constitution as amended.

5. **RESOLVED**, That a committee of three members be appointed to present the amendments proposed to the Constitution to the people, with the views and explanations which have induced this Convention to propose the same.

Which Report being read, was ordered to lie on the table.

The proposed amendments to the Constitution having been printed, the Convention took them up for consideration, when, on motion of Mr. Fisher, the Convention resolved itself into a committee of the whole, General Stokes being appointed Chairman of the committee, and after they had spent some time therein, the committee rose, reported progress, and asked leave to sit again.

The Convention then adjourned till 6 o'clock, P. M.

6 O'CLOCK, P. M.

The Convention met, and again went into a committee of the whole. At half past eight the committee rose and reported several amendments to the Constitution.

The Convention then adjourned till to-morrow 10 o'clock.

SATURDAY, NOVEMBER 15, 1823.

The Convention met.

Matthew R. Moore, a Delegate from the county of Stokes, appeared and took his seat.

The Convention took up the report of the committee of the whole, and after passing separately upon each section of the Constitution as proposed to be amended, the several amendments of the committee of the whole were agreed to, and the question on adopting the Constitution as amended, was put and unanimously agreed to.

Mr. Sanders called up the report of the committee appointed to enquire into the most advisable plan of submitting to the people the amendments to the Constitution agreed upon by this Convention, which report being again read, the first resolution was amended, on motion of Mr. Yancy, by adding to it the following words:

"Unless the Legislature of this State, at its ensuing Session, shall provide for the calling of a Convention for that purpose."

Which amendment was agreed to. The several resolutions reported by the committee were then adopted: and the following persons appointed a committee on the

fifth resolution : Messrs. Yancy, of Caswell, Fisher, of Rowan, and Polk, of Mecklenburg.

On motion, it was

RESOLVED, That the said committee be authorised to contract for the printing of one hundred copies of the Journals of this Convention, and five hundred copies of the Constitution of this State as proposed to be amended, with a like number of the present Constitution, and that they cause the same to be distributed through the several counties in this State, in such manner as they may deem most expedient.

Mr. Brittain, from the committee on elections, reported that the several Delegates attending this Convention, were duly elected by the people of the several counties, for that purpose.

The committee to whom was referred the subject of raising funds for defraying the expenses of the Convention, reported, that a contribution of four dollars from each Delegate would be sufficient to cover all contingent charges : which report was concurred in.

On motion of Mr. Yancy, (Mr. Williamson in the chair,)

RESOLVED, That the thanks of this Convention are due, and are hereby presented to the Honorable Montfort Stokes, for the able and dignified manner in which he has discharged the duties of the Chair.

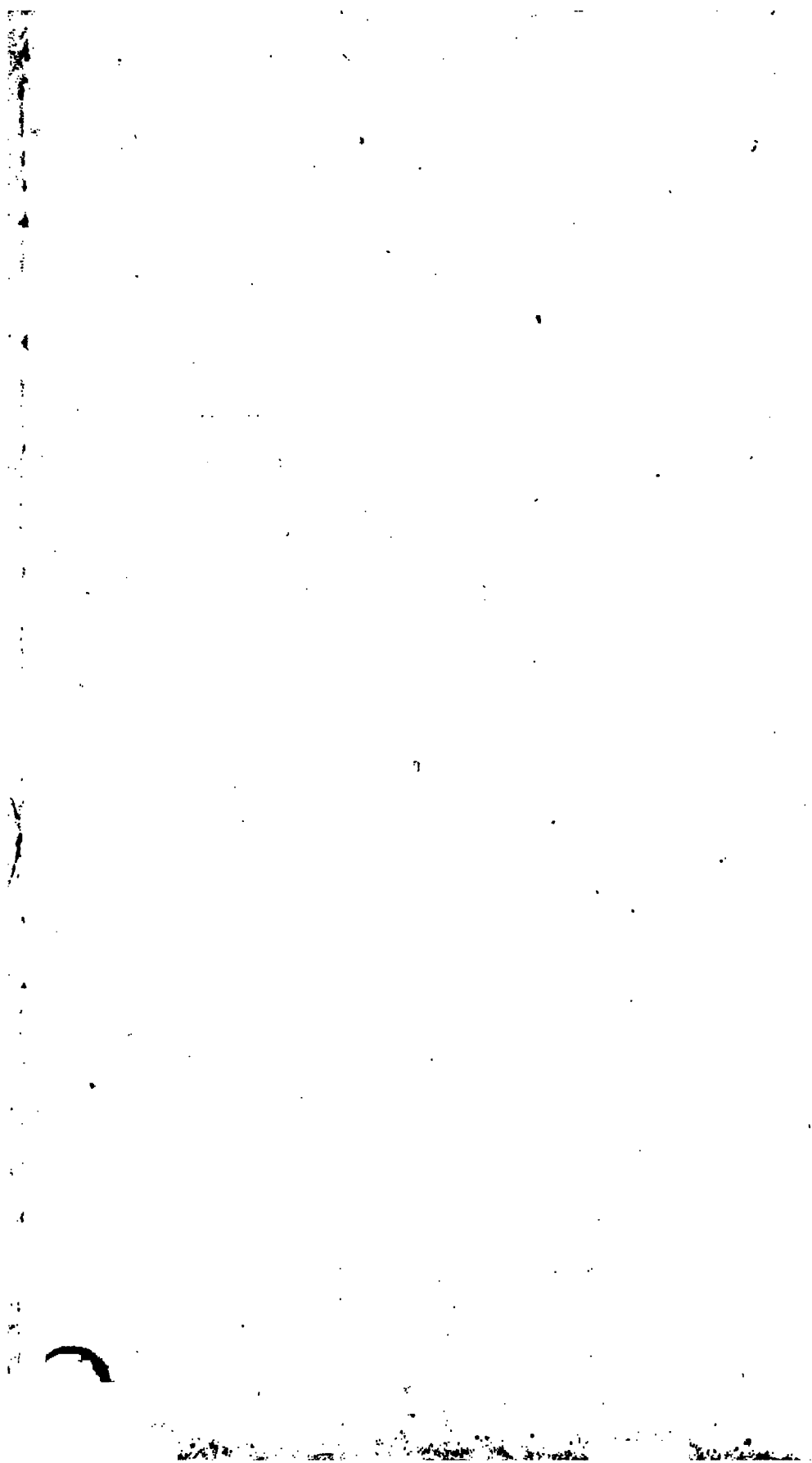
Which was unanimously adopted.

The President, after having made an appropriate acknowledgment, adjourned the Convention *sine die*.

M. STOKES, *President*  
*of the Convention.*

Attest, -

JOHN F. BREVARD, *Secretary.*









This book should be returned to  
the Library on or before the last date  
stamped below.

A fine of five cents a day is incurred  
by retaining it beyond the specified  
time.

Please return promptly.

**CANCELLED**

1498-837

**CANCELLED**

**STALL-STUD**

**CHARGE**

823

131

US 19022.6.5  
The Journal of a convention assemb  
Widener Library 002604775



3 2044 086 406 949

